

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-4, 8-10 and 15-17 stand rejected under 35 USC §103(a) over Nishiyama in view of Dietz. Applicants respectfully disagree since the combination relied upon in the Office Action requires that Nishiyama be modified against its own teachings. In particular, Nishiyama explicitly teaches taking multiple sensor measurements in order to arrive at a mean rail pressure. To eliminate the multiple sensing events of Nishiyama in favor of a single sensing event as per Dietz, would require that Nishiyama be modified against its own teachings. Such a modification is forbidden by the MPEP and relevant case law. Therefore, Applicants respectfully request that the outstanding §103 rejections be withdrawn.

In an effort to better prevent Applicants claim language from being misread onto any fair combination of the cited references of record, Applicants have amended independent claims 1, 9 and 16 to make it clear that the rail pressure is sensed at a predetermined engine angle. Since neither of the cited references appear to discuss or recognize this concept, Applicants again respectfully request that the outstanding §103 rejections be withdrawn. Claims 3, 4, 8 and 15 have been cancelled, thus rendering the rejections against those claims moot.

Claims 5, 6, 7, 11, 12, 13, 14 and 18-20 stand allowed. Applicants appreciate the indication of allowable subject matter.

This application is now believed to be in condition for allowance of claims 1-2, 5-7, 9-14 and 16-20. If the Examiner believes that some minor additional clarification would put this application in even better condition for allowance, the Examiner is invited to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MB McNeil', with a stylized flourish at the end.

Michael B. McNeil
Reg. No. 35,949